



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 18, 1991

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Texas Department of Criminal Justice  
Institutional Division  
P.O. Box 99  
Hunstville, Texas 77342-0099

OR91-572

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13801.

You have received a request for information relating to staff involved in providing medical services at the Retrieve Unit of the Texas Department of Criminal Justice - Institutional Division (TDCJ-ID). Specifically, the request seeks the full names, social security numbers, and service addresses of all licensed vocational nurses and supporting clerical staff at the Retrieve Unit. You claim that the requested information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(17) of the Open Records Act.

Section 3(a)(3) excepts from required public disclosure

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various

political subdivisions has determined should be withheld from public inspection.

The requestor has stated that he seeks the information in regard to legal proceedings he intends to file against TDCJ-ID employees.. On that basis, we conclude that litigation may be reasonably anticipated. The requested information relates to that litigation and, unless previously disclosed through discovery or by court order, may be excepted from required public disclosure under section 3(a)(3) of the Open Records Act. Please note that this ruling applies only for the duration of the litigation and only for the information at issue here. Because we resolve your request under section 3(a)(3), we need not address the applicability of section 3(a)(17) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-572.

Yours very truly,



Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/GK/lcd

Ref.: ID# 13801

cc: Mr. William E. O'Donnell  
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